Appl. No. 09/590,758   PATENT

REMARKS/ARGUMENTS

Claims 1-20 were pending. Claims 1-20 were previously rejected as obvious under 35 USC 103(a) by Bergsman et al. U.S. Pat. No. 5,146,487 (Bergsman). Additionally claims 4 and 5 were rejected as having insufficient antecedent basis.

In light of the following remarks, the undersigned respectfully requests withdrawal of the objections of the pending claims.

I.   The present invention

· The present invention relates to systems and methods for allowing voice mail users to make outbound calls while within the voice mail system. In the embodiments described, these outbound calls are traditional voice calls, see p. 11, lines 14-28.

If the Examiner has ever checked voice mail messages remotely, the Examiner should understand the inconvenience of making a call to a voice mail system, having to hang up, and to separately make a return call. If there are multiple messages and multiple people to call back, it would require multiple separate phone calls.

Some embodiments of the present invention greatly reduce such inconveniences by allowing the caller to transparently switch back and forth between receiving a first voice mail message, making a first return call, receiving a second voice mail message, making a second return call etc. As described in the patent disclosure, this is done by saving the state of the voice mail system in step 410, and restoring the state of the voice mail system in step 470. While the state is stored, the caller can make out bound telephone calls as described in steps 420-460.

Importantly, in embodiments of the present invention, the telephone calls made by the caller in steps 420-460 are "real-time" phone calls. That is, these phone calls are typically calls that allow the caller and the called party to communicate in real-time. For example, in one embodiment, the system dials the outbound telephone number in a conventional manner in step 450 before the caller is returned to the voice mail session in step 470.

Claim 1, as amended, recites the limitation of processing the telephone number to make the outbound call <u>to the receiver in real-time;</u> and thereafter restoring the state of the voice mail server after the outbound call is terminated.

II.   Bergsman

Bergsman describes a system for sending recorded telephone greetings to a recipient. Exemplary type of greetings includes a birthday message, an anniversary message, a congratulations message, and a get-well message. Col. 1, lines 42-47.

Bergsman describes that the system also allows the caller to specify a time when the system will call the recipient and deliver the recorded message. Col. 1, lines 10-11. Bergsman describes that after the caller hangs up, the caller's request is created and stored in a database. Col. 4, lines 52-54. Further, only when the requested date and time has arrived, will the recipient be called and the message delivered. Col. 4, line 65 - col. 5, line 6.

Accordingly, nothing in Bergsman describes a situation where the caller calls, communicates or speaks with the recipient in real-time. Bergsman's messages are delivered off-line and not delivered in real-time. Instead, Bergsman specifically describes their system as for delivering "more professional sounding message(s)" (col. 2, lines 3-6) to recipients, than the caller could.

III.   Bergsman Distinguished

Claim 1 is not anticipated by Bergsman.

The method recited in claim 1, as amended, includes processing the telephone number to make the outbound call to the receiver in real-time; and thereafter restoring the state of the voice mail server after the outbound call is terminated.

In contrast, as described above, in Bergsman allows the caller to merely specify a time in the future when a message will be delivered to a recipient. Thus, the system does not make a call to the recipient in "real-time," as recited above. Bergsman never discloses deliver of messages in real-time, but only off-line, and only after the caller has hung up. Further, Bergsman never discloses allowing the caller to talk to the receiver, i.e. no real-time communications between the parties.

Additionally, although Bergsman makes a reference to a voice mail system, Bergsman does not disclose anything about storing and restoring the state of a voice mail server.

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It would not have been obvious to restore the state of the voice mail server, as asserted by the Examiner, because Bergsman does not disclose making outbound calls, as recited above. In other words, because Bergsman does not disclose the caller making outbound calls in real-time, there is never any need to "store" or "restore" the state of the voice mail server at all.

Accordingly, because Bergsman does not disclose claim 1 limitations of processing the telephone number to make the outbound call to the receiver in real-time; and thereafter restoring the state of the voice mail server after the outbound call is terminated. Bergsman does not make obvious claim 1 for at least these reasons.

Claims 8 and 14 are also not anticipated by Bergsman, for at least the same reasons as claim 1 above, and more particularly, for the specific limitations they recite.

Dependent claims 2-7, 9-13, and 15-20 are also not anticipated by Bergsman, for at least the same reasons as the respective dependent claims, and more particularly, for the specific limitations they recite.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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